

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,
v.

ALDO PIMENTEL-RAMIREZ,
Defendant.

CRIMINAL NO. 20-206 (FAB)

MOTION TO AMEND JUDGMENT

TO THE HONORABLE COURT:

COMES NOW the defendant, through the undersigned counsel, and respectfully states and prays as follows:

1. On May 24, 2022, the defendant was sentenced by this Honorable Court to 54 months of imprisonment. (Docket No. 91.)
2. during sentencing, the Court made a specific finding that the defendant's prior case, 19-cr-744 (RAM), constituted relevant conduct of the instant offense. (*See* Docket No. 95, Page 7, line 12.) This is consistent with the parties' plea agreement. (*See* Docket No. 71; ¶7.)
3. The Court's judgment, however, does not reflect the Court's finding on relevant conduct.
4. The fact that the judgment does not contain the Court's specific finding that the defendant's prior case, 19-cr-744 (RAM), constituted relevant conduct of the instant offense is a clerical error that may be corrected at any time pursuant to Federal Rule of Criminal Procedure 36. *See* Fed.R.Crim.P. 36 ("After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.")

5. Without the finding on relevant conduct specifically listed in the Court's judgment, the Bureau of Prisons is unable to credit the time served by the defendant for his prior case towards his sentence for this one, as the parties had originally intended.
6. Accordingly, the defendant respectfully requests the Court amend the judgment in this case to reflect that the defendant's prior case, 19-cr-744 (RAM), constitutes relevant conduct of the instant offense, thus enabling the Bureau of Prisons to properly credit the defendant's time served under custody.
7. This request is made in good faith and in the interest of justice.

WHEREFORE, Defendant respectfully requests the Court GRANTS the instant motion.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this March 9, 2023.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to all counsel of record.

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